

107TH CONGRESS
1ST SESSION

S. 286

To direct the Secretary of Commerce to establish a program to make no-interest loans to eligible small business concerns to address economic harm resulting from shortages of, and increases in the prices of, electricity and natural gas.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2001

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To direct the Secretary of Commerce to establish a program to make no-interest loans to eligible small business concerns to address economic harm resulting from shortages of, and increases in the prices of, electricity and natural gas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Business Assist-
5 ance Act of 2001”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ELIGIBLE SMALL BUSINESS CONCERN.—

2 The term “eligible small business concern” means
3 an entity that—

4 (A) is a small business concern within the
5 meaning of section 3 of the Small Business Act
6 (15 U.S.C. 632);

7 (B) is not covered by a State-mandated
8 program that limits retail electric commodity
9 rates; and

10 (C)(i) in the case of an entity located in
11 the State of California—

12 (I) is a commercial business cus-
13 tomer of Pacific Gas and Electric
14 Company, Southern California Edi-
15 son, or San Diego Gas & Electric; and

16 (II)(aa) has an electricity usage
17 rate that, during the period beginning
18 June 1, 2000, has never exceeded 300
19 kilowatts per hour; or

20 (bb) has a natural gas consump-
21 tion rate that, during the period be-
22 ginning June 1, 2000, has never ex-
23 ceeded 300 therms per month; or

24 (ii) in the case of an entity located in
25 any other State, experienced an increase in

the entity's expenses for electricity or natural gas of not less than 100 percent, as determined by comparing—

(I) the monthly average of those expenses for the period of March through May 2000; and

(II) the monthly average of those expenses for the period of June through August 2000.

(2) FUND.—The term “Fund” means the Small Business Energy Expense Assistance Fund established by section 3(b).

(3) PROGRAM.—The term “program” means the small business assistance program established under section 3(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Economic Development.

SEC. 3. SMALL BUSINESS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Using amounts in the Fund, the Secretary shall establish a program to make no-interest loans to eligible small business concerns.

(b) SMALL BUSINESS ENERGY EXPENSE ASSISTANCE FUND.—

1 (1) ESTABLISHMENT.—There is established in
2 the Treasury of the United States a revolving fund
3 to be used in carrying out the program, to be known
4 as the “Small Business Energy Expense Assistance
5 Fund”, consisting of—

6 (A) such amounts as are appropriated to
7 the Fund under paragraph (2);

8 (B) such amounts as are appropriated to
9 the Fund under section 4; and

10 (C) any interest earned on investment of
11 amounts in the Fund under paragraph (4).

12 (2) TRANSFERS TO FUND.—There are appro-
13 priated to the Fund amounts equivalent to amounts
14 repaid on loans under the program.

15 (3) EXPENDITURES FROM FUND.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), upon request by the Secretary, the
18 Secretary of the Treasury shall transfer from
19 the Fund to the Secretary such amounts as the
20 Secretary determines are necessary to carry out
21 the program.

22 (B) ADMINISTRATIVE EXPENSES.—An
23 amount not to exceed \$250,000 shall be avail-
24 able to pay the administrative expenses nec-
25 essary to carry out the program.

1 (4) INVESTMENT OF AMOUNTS.—

2 (A) IN GENERAL.—The Secretary of the
3 Treasury shall invest such portion of the Fund
4 as is not, in the judgment of the Secretary of
5 the Treasury, required to meet current with-
6 drawals. Investments may be made only in in-
7 terest-bearing obligations of the United States.

8 (B) ACQUISITION OF OBLIGATIONS.—For
9 the purpose of investments under subparagraph
10 (A), obligations may be acquired—

11 (i) on original issue at the issue price;

12 or

13 (ii) by purchase of outstanding obliga-
14 tions at the market price.

15 (C) SALE OF OBLIGATIONS.—Any obliga-
16 tion acquired by the Fund may be sold by the
17 Secretary of the Treasury at the market price.

18 (D) CREDITS TO FUND.—The interest on,
19 and the proceeds from the sale or redemption
20 of, any obligations held in the Fund shall be
21 credited to and form a part of the Fund.

22 (5) TRANSFERS OF AMOUNTS.—

23 (A) IN GENERAL.—The amounts required
24 to be transferred to the Fund under this sub-
25 section shall be transferred at least monthly

1 from the general fund of the Treasury to the
2 Fund on the basis of estimates made by the
3 Secretary of the Treasury.

4 (B) ADJUSTMENTS.—Proper adjustment
5 shall be made in amounts subsequently trans-
6 ferred to the extent prior estimates were in ex-
7 cess of or less than the amounts required to be
8 transferred.

9 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to the Fund
11 \$25,000,000 to carry out the program.

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